

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CYMEYON V. HILL,  
Plaintiff,

v.

OFFICER DEFRANCO, et al.,  
Defendants.

Case No. [20-cv-04795-YGR](#) (PR)


**ORDER OF DISMISSAL**

This federal civil rights action will be dismissed as duplicative of two other pending actions, *Hill v. Parin*, Case No. 20-cv-04027-YGR (PR) and *Hill v. DeFranco*, Case No. 20-cv-04028-YGR (PR). The Court will allow Plaintiff to only pursue one action, and thus it will screen the earlier filed complaint in *Hill v. Parin*, Case No. 20-cv-04027-YGR (PR), in which Plaintiff pursues an action based on supervisory liability against Chief Deputy Warden R. Parin stemming from an incident on May 23, 2020 involving an assault on Plaintiff by an inmate named “Flanegan”/”Flanagan.”<sup>1</sup> Meanwhile, the allegations and defendants are identical in this suit and *Hill v. DeFranco*, Case No. 20-cv-04028-YGR (PR), in which Plaintiff alleges claims related to the May 23, 2020 incident against the correctional officers (DeFranco, J. Juarez, and D. Hammel) and lieutenant (E. Beam) for “failure to protect” Plaintiff, with the exception that Plaintiff adds three more defendants (R. Infante, E. Cary, and A. Flores) in the instant suit. If Plaintiff wishes to pursue claims against Defendants DeFranco, Juarez, Hammel, Beam, Infante, Cary, and Flores, he must file an amended complaint in *Hill v. Parin*, Case No. 20-cv-04027-YGR (PR) containing such claims. For the foregoing reasons, the complaint is DISMISSED as duplicative.

The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: August 4, 2020

  
YVONNE GONZALEZ ROGERS  
United States District Judge

<sup>1</sup> The inmate’s name is spelled in two different ways by Plaintiff.